IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI SOUTHERN DIVISION

RODERICK CLARK MILLER

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:07cv541LG-JMR

HARRISON COUNTY, MISSISSIPPI, by and through its Board of Supervisors, HARRISON COUNTY SHERIFF DEPARTMENT, SHERIFF GEORGE PAYNE, officially and in his individual capacity. **DIRECTOR OF CORRECTIONS MAJOR DIANNE** GATSON-RILEY, officially and in her individual capacity, BOOKING SUPERVISOR CAPTAIN RICK GASTON, officially and in his individual capacity, TRAINING DIRECTOR CAPTAIN PHIL TAYLOR, officially and in his individual capacity, CENTRAL **CONTROL OFFICER PRESTON WILLS, officially** and in his individual capacity, BOOKING ROOM DEPUTY JERRED MARK NECAISE, officially and in his individual capacity, BOOKING ROOM DEPUTY CATHERINE PAVOLINI, officially and in her individual capacity, **AMERICAN CORRECTIONAL ASSOCIATION, and** OTHER UNKNOWN JOHN and JANE DOES A-Z, also in their official and individual capacities

DEFENDANTS

AFFIDAVIT IN SUPPORT OF MOTION TO COMPEL OF JON S. TINER, ESQ.

Affidavit in support of Motion to Compel against Plaintiff, Roderick Clark Miller:

Jon S. Tiner, who being by me first duly sworn, upon information and belief, states the following:

1. That I am an attorney for the Defendants, Sheriff George Payne, Jr., in his official and individual capacity, Harrison County Sheriff's Department, Dianne Gatson-Riley, in her official and individual capacity, Phil Taylor, in his official and individual capacities, Catherine Pavolini, in her official and individual capacities, and Preston Willis, in his official capacity only.

- 3. On November, 15, 2007, Defense counsel propounded discovery to the Plaintiff with Responses being due on or before December 18, 2007.
- 4. The Affiant would state that Pre-Discovery Disclosures and/or discovery responses were never received from Plaintiff.
- 5. On January 7, 2008, the defense counsel made a good faith effort with Plaintiff to resolve this discovery issue by sending correspondence to Plaintiff with an enclosed Good Faith Certificate.
- 6. The January 7, 2008, correspondence to Plaintiff gave him with five (5) calendar days, or until January 11, 2008, to either provide Defendants with Plaintiff's discovery responses or to sign the enclosed Certificate and return it to counsel for the Defendants.
- 7. To date, Defendant has not received Plaintiff's Pre-Discovery Disclosures. discovery responses, nor a signed Good Faith Certificate from the Plaintiff.

WITNESS my signature on this the // day of January, 2008.

SWORN TO AND SUBSCRIBED BEFORE ME, this the 17 day of January, 2008.

My Commission

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